

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RUSSELL L. SILICATO, individually, and)	
KATHERINE L. SILICATO, individually,)	C.A. NO. 1:07-cv-00557-GMS
)	
<i>Plaintiffs,</i>)	
vs.)	
)	
TIMOTHY RYAN RICHARDSON,)	
individually, and)	
CHARLES A KLEIN & SONS INC,)	
a Foreign Corporation,)	
)	
<i>Defendants.</i>)	

NOTICE

TO: Timothy Ryan Richardson
8226 Shira Drive
Berlin, MD 21811

PLEASE TAKE NOTICE that the original of the enclosed Complaint was filed upon the Secretary of State of Delaware pursuant to 10 Del. C. Section 3112.

Service on the Secretary pursuant to 10 Del. C. Section 3112 is as effectual to all intents and purposes as if it had been made upon you personally within the State of Delaware.

/s/ David P. Cline
David P. Cline, Esq. (#2681)
1300 North Market Street
Suite 700
Wilmington, DE 19801
302-529-7848
Attorney for Plaintiffs

Date: 10/04/07

Letter to Defendant, Timothy Ryan Richardson,
regarding long arm service of process as
prescribed by Section 3112 of the Delaware
Code of 1953

David P. Cline

davidcline@mylawman.com

Attorney-at-Law

Let Mylawman become Yourlawman.™

LICENSED TO PRACTICE IN
DE MD NJ NY & PA

FAX 302 654-0884

715 N. KING ST., 1ST FLOOR
PO BOX 33
WILMINGTON DE 19899-0033
302 529 - 7848
302 LAW-SUIT

PHILADELPHIA, PA 19103
MEDIA, PA 19063
MT LAUREL, NJ 08054

PLEASE NOTE NEW ADDRESS ABOVE; P.O. BOX REMAINS SAME

October 4, 2007

Timothy Ryan Richardson
8226 Shira Drive
Berlin, MD 21811

VIA REGISTERED MAIL/RETURN RECEIPT REQUESTED & REGULAR MAIL

Re: Russell L. Silicato, et al. vs. Timothy Ryan Richardson, et al.
Case No.: 07-557 GMS

Dear Mr. Richardson:

Please take notice that the enclosed process and complaint have been served upon the Secretary of State as prescribed by Section 3112 of Title 10 of the Delaware Code of 1953. This service upon the Secretary of State is made as if that service had been made upon you personally. Enclosed please find a copy of the Service of Process and the Complaint. Please note that you have 20 days from the date of service of this letter to file an answer to this complaint or a default judgment will be entered against you. A copy of that answer must be served upon me.

Please turn this matter over to the auto insurance company that was in effect on the date of this accident. If you do not have insurance that will cover you for this accident please contact me at the above. Thank you.

Very truly yours,

/s/ David P. Cline
(signed electronically)

David P. Cline

Enclosure
DPC/AS/a

Return of Service from Secretary of State for
Defendant, Timothy Ryan Richardson, for long
arm service of process as prescribed by Section
3112 of the Delaware Code of 1953

UNITED STATES DISTRICT COURT

District of

Delaware

RUSSELL L. SILICATO, individually, and)
 KATHERINE L. SILICATO, individually,)
 V. Plaintiffs,)
 TIMOTHY RYAN RICHARDSON, individually and)
 CHARLES A. KLEIN & SONS, INC., a foreign
 corporation, Defendants.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

57 GMS

TO: (Name and address of Defendant)
 TIMOTHY RYAN RICHARDSON
 8226 SHIRA DRIVE,
 BERLIN, MD 21811

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

DAVID P. CLINE, ESQUIRE
 715 KING STREET, SUITE 100
 P.O.BOX 33
 WILMINGTON, DE 19899-0033
 (302) 529-7848

an answer to the complaint which is served on you with this summons, within Twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

9/17/07

CLERK

DATE

(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me(1)	DATE 9/28/07
NAME OF SERVER (PPJNT) GRANVILLE MORRIS	TITLE SPECIAL PROCESS SERVER
<i>Check one box below to indicate appropriate method of service</i>	
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____	
<input type="checkbox"/> Returned unexecuted: _____	
<input checked="" type="checkbox"/> Other (specify): SERVED: TIMOTHY RYAN RICHARDSON UNDER 10 DEL. CODE SEC 3112 C/O THE DELAWARE SECRETARY OF STATE TOWNSEND BLDG. DOVER, DE COPIES THEREOF WERE ACCEPTED BY KAREN CHARBANEAU	

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 9/28/07

Date

Signature of Server

BRANDYWINE PROCESS SERVERS, LTD.
P.O. BOX 1360
WILMINGTON, DE 19899-1360
302-475-2600

Original Complaint Filed on
September 17, 2007

07-557

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

L (a) PLAINTIFFS *Silicato, Russell & Katherine*
Husband & Wife, and individually

DEFENDANTS *Richardson, Timothy Ryan,*
Individually

(b) County of Residence of First Listed Plaintiff *New Castle*
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

302-529-7848

(c) Attorney's (Firm Name, Address, and Telephone Number) *715 King St.,
Ste. 101, Box 33, Wilm, DE 19899-0033*

Attorneys (If Known)

Worcester

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|-------------------------------|--|
| J 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question
(U.S. Government Not a Party) |
| J 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | Citizen of This State | PTF DEF | PTF DEF |
|---|----------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |
| | | Foreign Nation |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
J 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
J 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
J 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	28 USC 157	<input type="checkbox"/> 430 Banks and Banking
J 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
J 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY		<input type="checkbox"/> 460 Deportation
J 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
J 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 480 Consumer Credit	
J 153 Recovery of Overpayment of Veteran's Benefits	<input checked="" type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 490 Cable/Sat TV	
J 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 510 Selective Service	
J 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	Product Liability	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
J 195 Contract Product Liability			<input type="checkbox"/> 861 HIA (1395f)	
J 196 Franchise			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge
	REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	12 USC 1410
J 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 864 SSD Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
J 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Anti-Military Acts
J 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 892 Economic Stabilization Act
J 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
J 245 Torts Product Liability	<input type="checkbox"/> 445 Amer. w/ Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party	<input type="checkbox"/> 894 Energy Allocation Act
J 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/ Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332 - DIVERSITY

Brief description of cause:

PERSONAL INJURY - Auto

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint
JURY DEMAND: Yes No

VIII. RELATED CASE(S)

IF ANY

None

(See instructions):

JUDGE

A

DOCKET NUMBER

DATE

9/11/07

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and)
KATHERINE L. SILICATO, individually,) C.A. NO.
)
Plaintiffs,)
vs.)
TIMOTHY RYAN RICHARDSON,)
individually, and)
CHARLES A KLEIN & SONS INC,)
a Foreign Corporation,)
)
Defendants.)

COMPLAINT

Plaintiffs, Russell L. Silicato and Katherine L. Silicato, through their counsel, David P. Cline, Esquire and Steven J. Stirparo, Esquire, say by way of Complaint that:

JURISDICTION**I. JURISDICTION BASED ON DIVERSITY OF CITIZENSHIP**

1. Jurisdiction is based on diversity of citizenship and the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs.
2. Jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332.

VENUE

3. Venue lies under 28 U.S.C. Section 1391.

PARTIES

4. Plaintiff, Russell L. Silicato, is and was at all times pertinent hereto a resident of the state of Delaware, residing at 3080 Wrangle Hill Road, Bear, Delaware 19701.

5. Plaintiff, Katherine L. Silicato, is and was at all times pertinent hereto a resident of the state of Delaware, residing at 3080 Wrangle Hill Road, Bear, Delaware 19701, and is the wife of plaintiff, Russell L. Silicato.

6. Defendant, Timothy Ryan Richardson, an individual, upon information and belief, is believed at all times pertinent hereto, a resident of the state of Maryland, residing at 8226 Shira Drive, Berlin, Maryland 21811.

7. Defendant, Charles A Klein & Sons Inc., a Foreign Corporation, upon information and belief, is believed to be at all times pertinent hereto, a Foreign Corporation of the state of Maryland, with its principal place of business located at 5220 Klee Mill Road, Sykesville, Maryland 21784.

8. At all times pertinent hereto, defendant Timothy Ryan Richardson was acting within the course and scope of his employment with defendant Charles A Klein & Sons Inc. Therefore, defendant Charles A Klein & Sons Inc is responsible for the reckless, wanton and/or negligent actions and/or inactions of defendant Timothy Ryan Richardson as an agent, employee and/or servant under the doctrine of *Respondeat Superior* and the law of agency as the principal, employer or master.

COUNT I

9. Plaintiffs hereby incorporate paragraphs 1 through 8 as if fully set forth herein.

10. On September 17, 2005, at approximately 11:50 a.m., plaintiff, Russell L. Silicato, was operating his motorcycle traveling in a southerly direction on Race Track Road, with his wife Katherine L. Silicato as his passenger.

11. At the same time and place, defendant, Timothy Ryan Richardson, was operating a vehicle owned by Charles A Klein & Sons Inc, traveling in a northerly direction on Race Track

Road and operated such vehicle in a negligent, careless and/or reckless manner, by failing to yield to oncoming traffic while attempting to make a left hand turn, causing his vehicle to violently collide into plaintiff, Russell L. Silicato's motorcycle.

12. This incident was the result of the negligence, carelessness, and /or recklessness of the defendant, Timothy Ryan Richardson, and was not caused in any manner whatsoever by the act or failure to act on the part of the plaintiffs.

13. The aforesaid collision and plaintiff Russell L. Silicato's resulting injuries and damages were proximately caused by the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson in that he:

- a. failed to maintain a proper lookout while operating the vehicle he was driving;
- b. failed to give full time and attention to the operation of the vehicle he was driving;
- c. operated the vehicle he was driving in a careless and imprudent manner, without due regard for traffic conditions then existing;
- d. failed to exercise and maintain proper control over the vehicle he was driving;
- e. failed to give full time and attention to the operation of his motor vehicle; and
- f. violated the common-law duty of lookout.

14. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato suffered severe bodily injuries including, but not limited to, injuries to his neck, upper back, shoulders, ribs, right thumb, right hip, right foot and right arm. Some or all of his injuries have continued since the collision and are permanent in nature.

15. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has incurred, and will continue to incur in the future, medical and related expenses for his care and treatment.

16. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has incurred in the past and will incur in the future, pain, suffering, discomfort and mental anguish.

17. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato has sustained in the past and may sustain in the future a loss of earnings and/or earning capacity.

18. As a further direct and proximate result of the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato suffered the loss of consortium and companionship of her husband, Russell L. Silicato, as a result of his injuries.

COUNT II

19. Plaintiffs hereby incorporate paragraphs 1 through 18 as if fully set forth herein.

20. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato suffered severe bodily injuries including, but not limited to, injuries to her right knee. Some or all of her injuries have continued since the collision and are permanent in nature.

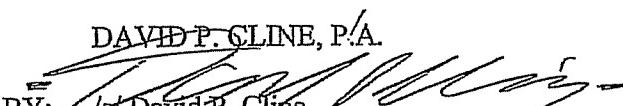
21. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has incurred, and will continue to incur in the future, medical and related expenses for her care and treatment.

22. As a further consequence of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has incurred in the past and will incur in the future, pain, suffering, discomfort and mental anguish.

23. As a direct and proximate result of the aforementioned recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Katherine L. Silicato has sustained in the past and may sustain in the future a loss of earnings and/or earning capacity.

24. As a further direct and proximate result of the recklessness, wantonness and/or negligence of defendant Timothy Ryan Richardson, plaintiff Russell L. Silicato suffered the loss of consortium and companionship of his wife, Katherine L. Silicato, as a result of her injuries.

WHEREFORE, plaintiffs demand judgment against defendants, jointly and severally, for their special and general damages, including pain and suffering, punitive damages, attorney fees, pre and post judgment interest, the costs of this action and other such relief as the Court finds just.

DAVID P. CLINE, P.A.
BY: 
David P. Cline, Esq. (#2681)
715 King Street, Suite 100
P.O. Box 33
Wilmington, DE 19899-0033
Attorney for Plaintiffs
(302) 529-7848

Dated: September 17, 2007

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. ..57

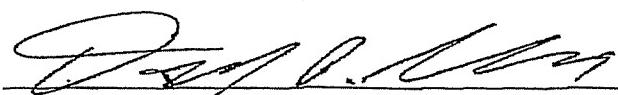
ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

17 Sept 2007

(Date forms issued)



(Signature of Party or their Representative)

David P. Clive

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

RUSSELL L. SILICATO, individually, and)
KATHERINE L. SILICATO, individually,) C.A. NO. 1:07-cv-00557-GMS
)
Plaintiffs,)
vs.)
)
TIMOTHY RYAN RICHARDSON,)
individually, and)
CHARLES A KLEIN & SONS INC,)
a Foreign Corporation,)
)
Defendants.)

NOTICE OF SERVICE

I, David P. Cline, Esquire, hereby certify that on this 4th day of October, 2007 copies of the **NOTICE UNDER 10 DEL.C. §3112 UNDER DELAWARE LONG ARM STATUTE TO DEFENDANT, TIMOTHY RYAN RICHARDSON** were filed electronically with the U.S. District Court and sent by registered and regular mail to:

Timothy Ryan Richardson
8226 Shira Drive
Berlin, MD 21811

DAVID P. CLINE, P.A.

BY: /s/ David P. Cline
DAVID P. CLINE, ESQUIRE (#2681)
1300 Market Street, Suite 700
P.O. Box 1970
Wilmington, DE 19899-1970
(302) 529-7848
Attorney for Plaintiffs

Dated: 10/4/07